

United States District Court
Southern District of New York

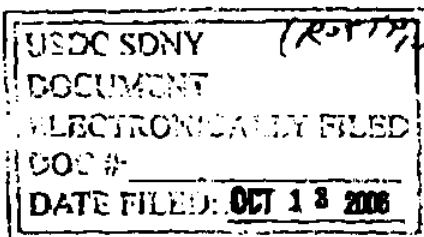
FRANCIS POLANDRO HEATH, ON BEHALF OF HIMSELF
AND ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

against

CITIGROUP GLOBAL MARKETS INC. FKA SALOMON
SMITH BARNER, INC.

Defendant.



Index No. 06-CV-3458

STIPULATION AND ORDER TO STAY ACTION

Plaintiff Francis Polandro Heath ("Heath") and Defendant Citigroup Global Markets Inc. ("CGMI"), by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS Heath filed the above referenced action on May 5, 2006 ("Heath"); and

WHEREAS in connection with other related actions, the parties reached a nationwide settlement; and

WHEREAS the parties need time to effectuate the terms of the nationwide settlement.

NOW, THEREFORE, the parties hereby stipulate as follows:

1. All litigation activity of any kind in *Heath* is hereby stayed while the parties effectuate the nationwide settlement; and
2. The parties to *Heath* will jointly notify this Court if any changed circumstances arise that may affect this Stipulation and Order to Stay Action;

3. The parties shall report on the status of their discussions in sixty (60) days so that the Court may determine whether the stay should be continued.

Dated: October 11, 2006
New York, New York

AGREED TO:

FOLIOFF & McCORMICK

By: 

Max Folioff
1500 Broadway, 21st Floor
New York, NY 10036
(212) 757-0400

Attorneys for Plaintiff

SO ORDERED:

OCT 13 2006


THE HONORABLE PAUL A. CROTTY
United States District Judge

O'MELVENY & MYERS LLP

By: 

Jeffrey Kohn
Times Square Tower
7 Times Square
New York, New York 10036
(212) 326-2000

Attorneys for Defendant